

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

BRAULIO LOPEZ,

Defendant.

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:
: CONSENT PRELIMINARY ORDER
: OF FORFEITURE/
: MONEY JUDGMENT
:
: S4 16 Cr. 829 (AKH)

WHEREAS, on or about December 5, 2017, BRAULIO LOPEZ (the "defendant"), was charged in a four-count Superseding Information, S4 16 Cr. 829 (AKH) (the "Information"), with money laundering conspiracy, in violation of Title 18, United States Code, Section 1956(h) (Count One); international money laundering, in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2 (Count Two); wire fraud conspiracy, in violation of Title 18, United States Code, Section 1349 (Count Three); and wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Four);

WHEREAS, the Information included a forfeiture allegation as to Counts One and Two, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real or personal, involved in the offenses alleged in Counts One and Two of the Information, and any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount

of property involved in the offenses charged in Counts One and Two of the Information;

WHEREAS, the Information included a second forfeiture allegation as to Counts Three and Four, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts Three and Four of the Information, and any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts Three and Four of the Information;

WHEREAS, on or about December 5, 2017, the defendant pled guilty to Counts One through Four of the Information, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Counts One through Four of the Information and agreed to forfeit, (i) any property, real or personal, involved in the offenses alleged in Counts One and Two of the Information, or any property traceable to such property, pursuant to Title 18, United States Code, Section 982(a)(1); and (ii) any and all property, real and personal, which constitutes or is derived from proceeds traceable to the offenses

alleged in Counts Three and Four of the Information, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$6,697,085.68 in United States currency representing the amount of property involved in the offenses charged in Counts One and Two of the Information, and proceeds traceable to the offenses charged in Counts Three and Four of the Information that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the property involved in the offenses charged in Counts One and Two of the Information, and proceeds traceable to the offenses charged in Counts Three and Four of the Information that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney, Daniel M. Tracer of counsel, and the defendant, and his counsel, Jason Davis, Esq., that:

1. As a result of the offenses charged in Counts One through Four of the Information, to which the defendant pled guilty, a money judgment in the amount of \$6,697,085.68 in United

States currency (the "Money Judgment"), representing the amount of the property involved in the offenses charged in Counts One and Two of the Information, and proceeds traceable to the offenses charged in Counts Three and Four of the Information that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, BRAULIO LOPEZ, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable to, in this instance, United States Customs and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. United States Customs and Border Protection is authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: 

DANIEL M. TRACER
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2329

2/7/20
DATE

BRAULIO LOPEZ 

By: 

BRAULIO LOPEZ


2/7/2020
DATE

By: 

JASON DAVIS, ESQ.
Attorney for Defendant
Davis & Santos P.C.
719 Flores Street
San Antonio, TX 78204

2/7/2020
DATE

SO ORDERED:


HONORABLE ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE

Feb 7 2020
DATE